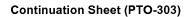
## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/567,093	NAITO, MITSURU	
Examiner	Art Unit	
Justin R. Fischer	1791	

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The MAILING DATE of this communication appears on the cover sheet with the co	orrespondence addr	ess	
THE REPLY FILED 19 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Application, applicant must timely file one of the following replies: (1) an amendment, affidavit, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance w for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed wiperiods:	ppeal. To avoid aban or other evidence, wl vith 37 CFR 41.31; or	nich places the (3) a Request	
<ul> <li>a) The period for reply expires 4 months from the mailing date of the final rejection.</li> <li>b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing of Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE F MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</li> </ul>	date of the final rejection	۱.	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136 have been filed is the date for purposes of determining the period of extension and the corresponding amount of under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply original set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL	the fee. The appropriate ally set in the final Office	te extension fee action; or (2) as	
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CIAMENDMENTS	avoid dismissal of the		
The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, w  (a) They raise new issues that would require further consideration and/or search (see NOTE  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially redu	E below);		
appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejection NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).			
4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Com 5.  Applicant's reply has overcome the following rejection(s):	•	•	
<ul> <li>Newly proposed or amended claim(s) would be allowable if submitted in a separate, tin non-allowable claim(s).</li> <li>For purposes of appeal, the proposed amendment(s): a) ⋈ will not be entered, or b) ⋈ will be will be allowable if submitted in a separate.</li> </ul>			
how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:	be entered and an ex	planation of	
AFFIDAVIT OR OTHER EVIDENCE			
8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Noti because applicant failed to provide a showing of good and sufficient reasons why the affidavit was not earlier presented. See 37 CFR 1.116(e).	or other evidence is r	necessary and	
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the dentered because the affidavit or other evidence failed to overcome all rejections under appeal showing a good and sufficient reasons why it is necessary and was not earlier presented. See	and/or appellant fails	to provide a	
10.	ry is below or attache	d.	
11. The request for reconsideration has been considered but does NOT place the application in c See Continuation Sheet.	condition for allowand	e because:	
12. ☐ Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s)13. ☐ Other:			
/Justin R Fischer/ Primary Examiner, Art Un	nit 1791		



Application No.